

REMARKS

Entry of this amendment, as well reconsideration and withdrawal of all grounds of rejection in the Final Office are respectfully requested in light of the above amendments and the followings remarks. Claims 1-16 and 18-28 remain pending herein.

Claim 17 has been cancelled without prejudice or disclaimer. Claims 1 and 19 have been amended to recite the feature that recorded ECG history can be displayed on the AED screen while the AED continues to monitor the patient. Support is found in the specification at least at page 11, lines 25-26.

Summary of the Rejections:

1. Claims 1-3, 5-11,14 and 17-28 stand rejected under 35 U.S.C.§102(e) as allegedly anticipated by Skelton (U.S.6,292,692).
2. Claims 4 and 12 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious over Skelton.
3. Claims 13 and 15-16 stand rejected under 35 U.S.C.§103(a) as allegedly being obvious of Skelton in view of Powers et al.(U.S.5,879,374).

Applicants' Traversal:

1. Applicants have again reviewed the Skelton reference, and respectfully submit that none of the instant claims are anticipated by this reference. Skelton discloses a medical treatment device with passcode control so that people with a varying range of AED experience can utilize the device quickly and provide emergency service commensurate with their skill level. In that light, it should be

understood that Skelton includes a series of treatment modules. Aside from a defibrillator module, other modules include pacing therapy, pulse oximeter data, blood pressure data, blood gas data and pulse data. In addition, the remaining modules of Skelton include a pre-amplifier, a printer or a log of medical treatment (column 4, lines 9-20). Several tiers of treatment (specifically a first, second and third tier) are passcode protected based on the skill level of the person using the equipment.

Applicants respectfully submit that the fact that 98A shown in Fig. 13 is an ECG pulse does not disclose, teach, suggest or motivate the artisan that an incident review mode on the defibrillator screen while the patient is being monitored by the defibrillator without requiring communication with an external device. It is respectfully submitted that Skelton fails to disclose patient monitoring continues during incident review mode, nor is there any teaching found in reference that discloses that Skelton displays the review mode data while continuing to monitor the patient. Applicants respectfully challenge the Examiner to show exactly where in the specification such a teaching is disclosed by Skelton.

For at least the above reasons, it is respectfully submitted that none of the instant claims are anticipated by Skelton. Reconsideration and withdrawal of this ground of rejection are respectfully requested. Claims 2-3, 5-11, 14, and 18 are allowable at least for dependence from claim 1, and claims 20-28 are believed to be allowable at least for depending from claim 19, which is believed to be allowable.

(2) Claims 4, 12, as being allegedly obvious over Skelton, and (3) claims 13, 15 and 16 as allegedly obvious over the combination of Skelton and Powers:

Applicants respectfully submit that claims 4,12,13 15 and 16 are allowable at least for their dependence from claim 1,which is believed to be allowable for the reasons indicated above, and because of a separate basis of patentability.

Whether the reference is Skelton, or the combination of Skelton in view of Powers, none of these claims would have been obvious to a person of ordinary skill in the art. The teachings of the reference(or of the combination of references) fail to provide any teaching, suggestion, or motivation that would have made any of the instant claims obvious to a person of ordinary skill in the art. Reconsideration and withdrawal of this ground of rejection are respectfully requested.


For all the foregoing reasons, it is respectfully submitted that all the present claims are allowable in view of the cited references. A Notice of Allowance is respectfully requested.

Should the Examiner deem that there are issues which would be best resolved by a telephone communication, please contact the attorney at the telephone number listed below.

Respectfully submitted,

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Date: November 7, 2002

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Daniel J. POWERS *et al.*
SERIAL NO.: 09/418,536 EXAMINER: Frances P. OROPEZA
FILED: October 14, 1999 ART UNIT: 3762
FOR: METHOD AND APPARATUS FOR PROVIDING ON-
SCREEN INCIDENT REVIEW IN AN AED

VERSION WITH MARKINGS

Assistant Commissioner for Patents
Box AF
Washington, DC 20231

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Dear Sir:

In response to the Final Rejection dated September 25, 2002, Applicants respectfully request amendment of the above-identified application as follows:

IN THE CLAIMS:

Please cancel claim 17 without prejudice or disclaimer.

1. (Three Times Amended) A method of reviewing incident data on an external defibrillator having a screen, comprising:

deploying the defibrillator for use in an emergency, wherein the defibrillator is attached to a patient;

monitoring ECG data from the patient;

recording the monitored ECG data in memory; and

activating an incident review mode in which the recorded ECG data is displayed on the defibrillator screen of the defibrillator [used in the deploying step]

while the patient is being monitored by the defibrillator and without the need to attach the defibrillator to another external device for display .

19. (Three Times Amended) An external defibrillator comprising:

a controller;

an energy delivery system operable by the controller to deliver an electrical shock from an energy source to an electrode interface;

memory for recording incident data;

a screen;

an incident review activator; and

**an incident review output comprising a visual image generator,
wherein the incident review output retrieves incident data from memory upon
activation of the incident review activator by the user and displays the retrieved
incident data on the defibrillator screen while the patient is being monitored by the
defibrillator without requiring communication with an external device.**